

Senate Study Bill 3232

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
ENVIRONMENT BILL BY
CO=CHAIRPERSON BLACK)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the collection and deposit in the general fund
2 of the state of certain fees and civil penalties collected by
3 the department of natural resources.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5722SK 81
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1 1 Section 1. Section 455B.103A, subsection 4, Code
2 Supplement 2005, is amended to read as follows:
3 4. An applicant to be covered under a general permit shall
4 pay a permit fee, as established by rule of the commission,
5 which is sufficient in the aggregate to defray the costs of
6 the permit program. Moneys collected shall be ~~remitted to the~~
~~1 7 department credited to the general fund of the state.~~
1 8 Sec. 2. Section 455B.105, subsection 11, paragraph b, Code
1 9 Supplement 2005, is amended to read as follows:
1 10 b. ~~Except as otherwise provided in this chapter and~~
~~1 11 chapter 459, fees Notwithstanding any provisions to the~~
~~1 12 contrary in this chapter and chapter 459, any fee collected by~~
~~1 13 the department under this subsection pursuant to this chapter~~
~~1 14 and chapter 459 shall be remitted to the treasurer of state~~
1 15 and credited to the general fund of the state.
1 16 Sec. 3. Section 455B.109, subsection 4, Code Supplement
1 17 2005, is amended to read as follows:
1 18 4. a. ~~Except as provided in paragraph "b", civil Civil~~
1 19 penalties assessed by the department and interest on the
1 20 penalties shall be deposited in the general fund of the state.
1 21 b. ~~The following provisions shall apply to animal feeding~~
~~1 22 operations:~~
1 23 (1) ~~Civil penalties assessed by the department and~~
~~1 24 interest on the civil penalties, arising out of violations~~
~~1 25 involving animal feeding operations under chapter 459,~~
~~1 26 subchapter II, shall be deposited in the animal agriculture~~
~~1 27 compliance fund as created in section 459.401.~~
1 28 (2) ~~Civil penalties assessed by the department and~~
~~1 29 interest on the penalties, arising out of violations committed~~
~~1 30 by animal feeding operations under chapter 459, subchapter~~
~~1 31 III, which may be assessed pursuant to section 455B.191 or~~
~~1 32 459.604, shall also be deposited in the animal agriculture~~
~~1 33 compliance fund.~~
1 34 (3) ~~Civil penalties assessed by the department and~~
~~1 35 interest on the civil penalties, arising out of violations~~
~~2 1 involving open feedlot operations under chapter 459A, shall be~~
~~2 2 deposited in the animal agriculture compliance fund as created~~
~~2 3 in section 459.401.~~
2 4 Sec. 4. Section 455B.113, subsection 3, Code Supplement
2 5 2005, is amended to read as follows:
2 6 3. The director may charge a fee for processing of an
2 7 application. The application fee is nonrefundable. In
2 8 establishing the fee, the director shall take into account the
2 9 administrative costs incurred and the cost of enforcement of
2 10 this section. Fees collected shall be ~~retained by the~~
~~2 11 department credited to the general fund of the state.~~
2 12 Sec. 5. Section 455B.133, subsection 8, paragraph a, Code
2 13 2005, is amended to read as follows:
2 14 a. Adopt rules consistent with the federal Clean Air Act

2 15 Amendments of 1990, Pub. L. No. 101=549, which require the
2 16 owner or operator of an air contaminant source to obtain an
2 17 operating permit prior to operation of the source. The rules
2 18 shall specify the information required to be submitted with
2 19 the application for a permit and the conditions under which a
2 20 permit may be granted, modified, suspended, terminated,
2 21 revoked, reissued, or denied. For sources subject to the
2 22 provisions of Title IV of the federal Clean Air Act Amendments
2 23 of 1990, permit conditions shall include emission allowances
2 24 for sulfur dioxide emissions. The commission may impose fees,
2 25 including fees upon regulated pollutants emitted from an air
2 26 contaminant source, in an amount sufficient to cover all
2 27 reasonable costs, direct and indirect, required to develop and
2 28 administer the permit program in conformance with the federal
2 29 Clean Air Act Amendments of 1990, Pub. L. No. 101=549.
2 30 Affected units regulated under Title IV of the federal Clean
2 31 Air Act Amendments of 1990, Pub. L. No. 101=549, shall pay
2 32 operating permit fees in the same manner as other sources
2 33 subject to operating permit requirements, except as provided
2 34 in section 408 of the federal Act. The fees collected
2 35 pursuant to this subsection shall be deposited in the ~~air~~
3 1 ~~contaminant source fund created pursuant to section 455B.133B~~
3 2 ~~general fund of the state~~, and shall be utilized solely to
3 3 cover all reasonable costs required to develop and administer
3 4 the programs required by Title V of the federal Clean Air Act
3 5 Amendments of 1990, Pub. L. No. 101=549, including the permit
3 6 program pursuant to section 502 of the federal Act and the
3 7 small business stationary source technical and environmental
3 8 assistance program pursuant to section 507 of the federal Act.
3 9 Sec. 6. Section 455B.133B, Code 2005 is amended to read as
3 10 follows:
3 11 455B.133B AIR CONTAMINANT SOURCE FUND CREATED.
3 12 An air contaminant source fund is created in the office of
3 13 the treasurer of state under the control of the department.
3 14 Moneys ~~received from the fees assessed pursuant to section~~
3 15 ~~455B.133, subsection 8, appropriated to the fund by the~~
3 16 ~~general assembly~~ shall be deposited in the fund. Moneys in
3 17 the fund shall be used solely to defray the costs related to
3 18 the permit, monitoring, and inspection program, including the
3 19 small business stationary source technical and environmental
3 20 compliance assistance program required pursuant to the federal
3 21 Clean Air Act Amendments of 1990, sections 502 and 507, Pub.
3 22 L. No. 101=549. Notwithstanding section 8.33, any unexpended
3 23 balance in the fund at the end of each fiscal year shall be
3 24 retained in the fund. Notwithstanding section 12C.7, any
3 25 interest and earnings on investments from money in the fund
3 26 shall be credited to the fund.
3 27 Sec. 7. Section 455B.172, subsection 5, unnumbered
3 28 paragraph 2, Code Supplement 2005, is amended to read as
3 29 follows:
3 30 The department shall by rule adopt standards for the
3 31 commercial cleaning of private sewage disposal facilities,
3 32 including but not limited to septic tanks, and for the
3 33 disposal of waste from the facilities. The standards shall
3 34 not be in conflict with the state building code adopted
3 35 pursuant to section 103A.7. A person shall not commercially
4 1 clean such facilities or dispose of waste from such facilities
4 2 unless the person has been issued a license by the department.
4 3 The department shall be exclusively responsible for adopting
4 4 the standards and issuing licenses. However, county boards of
4 5 health shall enforce the standards and licensing requirements
4 6 established by the department. The department may contract
4 7 for the delegation of the authority for inspection of land
4 8 application sites, record reviews, and equipment inspections
4 9 to a county board of health. In the event of entering into
4 10 such a contract, the department shall retain concurrent
4 11 authority over such activities. Application for the license
4 12 shall be made in the manner provided by the department.
4 13 Licenses expire one year from the date of issue unless revoked
4 14 and may be renewed in the manner provided by the department.
4 15 A license application shall include registration applications
4 16 for each vehicle used by the applicant for purposes of
4 17 collecting septage from private sewage disposal facilities and
4 18 each vehicle used by the applicant for purposes of applying
4 19 septage to land. Septic disposal management plans shall be
4 20 submitted to the department and approved annually as a
4 21 condition of licensing and shall also be filed annually with
4 22 the county board of health in the county where a proposed
4 23 septage application site is located. The septic disposal
4 24 management plan shall include, but not be limited to, the
4 25 sites of septage application, the anticipated volume of

4 26 septage applied to each site, the area of each septage
4 27 application site, the type of application to be used at each
4 28 site, the volume of septage expected to be collected from
4 29 private sewage disposal facilities, and a list of registered
4 30 vehicles collecting septage from private sewage disposal
4 31 facilities and applying septage to land. The annual license
4 32 or license renewal fee for a person commercially cleaning
4 33 private sewage disposal facilities shall be established by the
4 34 department based on the volume of septage that is applied to
4 35 land. A septic management fund is created in the state
5 1 treasury under the control of the department. ~~Annual license~~
~~5 2 and license renewal fees collected pursuant to this section~~
~~5 3 shall be deposited in the septic management fund and are~~
~~5 4 appropriated to the department for purposes of providing~~
~~5 5 moneys for contracting with county boards of health to conduct~~
5 6 land application site inspections, record reviews, and septic
5 7 cleaning equipment inspections. Annual license and license
5 8 renewal fees collected pursuant to this section shall be

5 9 deposited in the general fund of the state. A person
5 10 violating this section or the rules adopted pursuant to this
5 11 section as determined by the department is subject to a civil
5 12 penalty of not more than two hundred fifty dollars. The
5 13 department shall adopt rules related to, but not limited to,
5 14 recordkeeping requirements, application procedures and
5 15 limitations, contamination issues, loss of septage, failure to
5 16 file a septic disposal management plan, application by
5 17 vehicles that are not properly registered, wrongful
5 18 application, and violations of a septic disposal management
5 19 plan. Each day that a violation continues constitutes a
5 20 separate offense. The penalty shall be assessed for the
5 21 duration of time commencing with the time the violation begins
5 22 and ending with the time the violation is corrected. The
5 23 septic disposal management plan may be examined to determine
5 24 the duration of the violation. Moneys collected by the
5 25 department from the imposition of civil penalties shall be
5 26 deposited in the general fund of the state. Moneys collected
5 27 by a county board of health from the imposition of civil
5 28 penalties shall be deposited in the general fund of the
5 29 county.

5 30 Sec. 8. Section 455B.172, subsection 6, paragraph c, Code
5 31 Supplement 2005, is amended to read as follows:

5 32 c. A toilet unit fund is created in the state treasury
5 33 under the control of the department. ~~Annual license and~~
~~5 34 license renewal fees collected pursuant to this subsection~~
~~5 35 shall be deposited in the toilet unit fund and are~~
~~6 1 appropriated to the department for purposes of providing~~
~~6 2 moneys for contracting with county boards of health to conduct~~
6 3 record reviews and toilet unit cleaning equipment inspections.
6 4 Annual license and license renewal fees collected pursuant to
6 5 this section shall be deposited in the general fund of the
6 6 state.

6 7 Sec. 9. Section 455B.183A, subsection 1, Code Supplement
6 8 2005, is amended to read as follows:

6 9 1. A water quality protection fund is created in the state
6 10 treasury under the control of the department. The fund
6 11 consists of moneys appropriated to the fund by the general
6 12 assembly, ~~moneys deposited into the fund from fees described~~
~~6 13 in subsection 2, moneys deposited into the fund from fees~~
~~6 14 collected pursuant to sections 455B.187 and 455B.190A, and~~
6 15 other moneys available to and obtained or accepted by the
6 16 department from the United States government or private
6 17 sources for placement in the fund. The fund is divided into
6 18 the public water supply system account and the private water
6 19 supply system account. Moneys in the public water supply
6 20 system account are appropriated to the department for purposes
6 21 of carrying out the provisions of this division, which relate
6 22 to the administration, regulation, and enforcement of the
6 23 federal Safe Drinking Water Act, and to support the program to
6 24 assist supply systems, as provided in section 455B.183B.
6 25 Moneys in the private water supply system account are
6 26 appropriated to the department for the purpose of supporting
6 27 the programs established to protect private drinking water
6 28 supplies as provided in sections 455B.187, 455B.188, 455B.190,
6 29 and 455B.190A.

6 30 Sec. 10. Section 455B.183A, subsection 2, paragraph b,
6 31 Code Supplement 2005, is amended to read as follows:

6 32 b. The operation of a public water supply system,
6 33 including any part of the system. The commission shall adopt
6 34 a fee schedule which shall be based on the total number of
6 35 persons served by public water supply systems in this state.
7 1 However, a public water supply system shall be assessed a fee

7 2 of at least twenty=five dollars. A public water supply system
7 3 not owned or operated by a community and serving a transient
7 4 population shall be assessed a fee of twenty=five dollars.
7 5 The commission shall calculate all fees in the schedule to
7 6 produce total revenues equaling three hundred fifty thousand
7 7 dollars for each fiscal year, commencing with the fiscal year
7 8 beginning July 1, 1995, and ending June 30, 1996. For each
7 9 fiscal year, the fees shall be deposited into the ~~public water~~
7 10 ~~supply system account~~ general fund of the state. By May 1 of
7 11 each year, the department shall estimate the total revenue
7 12 expected to be collected from the overpayment of fees, which
7 13 are all fees in excess of the amount of the total revenues
7 14 which are expected to be collected under the current fee
7 15 schedule, and the total revenue expected to be collected from
7 16 the payment of fees during the next fiscal year. The
7 17 commission shall adjust the fees if the estimate exceeds the
7 18 amount of revenue required to be deposited ~~in the account~~
7 19 pursuant to this paragraph.
7 20 Sec. 11. Section 455B.187, unnumbered paragraph 3, Code
7 21 2005, is amended to read as follows:
7 22 The director may charge a fee for permits issued pursuant
7 23 to this section. All fees collected pursuant to this section
7 24 shall be deposited into the ~~private water supply system~~
7 25 ~~account within the water quality protection fund created in~~
7 26 ~~section 455B.183A~~ general fund of the state.
7 27 Sec. 12. Section 455B.190, subsection 6, Code 2005, is
7 28 amended to read as follows:
7 29 6. A person who fails to properly plug a well on property
7 30 the person owns, in accordance with the program established by
7 31 the department, or as reported by a designated agent or a
7 32 registered or certified well contractor, is subject to a civil
7 33 penalty of up to one hundred dollars per every five calendar
7 34 days that the well remains unplugged or improperly plugged.
7 35 However, the total civil penalty shall not exceed one thousand
8 1 dollars. The penalty shall only be assessed after the one
8 2 thousand dollar limit is reached. If the owner plugs the well
8 3 in compliance with this section, including applicable
8 4 departmental rules, before the date that the one thousand
8 5 dollar limit is reached, the civil penalty shall not be
8 6 assessed. The penalty shall not be imposed upon a person for
8 7 improperly plugging a well until the department notifies the
8 8 person of the improper plugging. The moneys collected shall
8 9 be deposited in the ~~financial incentive portion of the~~
8 10 ~~agriculture management account~~ general fund of the state. The
8 11 department of agriculture and land stewardship may provide by
8 12 rule for financial incentive moneys, through expenditure of
8 13 the moneys allocated to the financial=incentive=program
8 14 portion of the agriculture management account, to reduce a
8 15 person's cost in properly plugging wells abandoned prior to
8 16 July 1, 1987.
8 17 Sec. 13. Section 455B.190A, subsection 5, paragraph c,
8 18 Code 2005, is amended to read as follows:
8 19 c. All fees collected pursuant to this subsection shall be
8 20 deposited into the ~~private water supply system account within~~
8 21 ~~the water quality protection fund created in section 455B.183A~~
8 22 general fund of the state.
8 23 Sec. 14. Section 455B.221, Code 2005, is amended to read
8 24 as follows:
8 25 455B.221 CERTIFICATION AND EXAMINATION FEES.
8 26 The director may charge a fee for certificates issued under
8 27 this part. The fee for the certificates and for renewal shall
8 28 be based on the costs of administering and enforcing this part
8 29 and paying the expenses of the department relating to
8 30 certification. The department shall be reimbursed for all
8 31 costs incurred. The director shall set a fee for the
8 32 examination which shall be based upon the annual cost of
8 33 administering the examinations. All fees collected shall be
8 34 ~~retained by the department for administration of the~~
8 35 ~~certification program~~ credited to the general fund of the
9 1 state.
9 2 Sec. 15. Section 455B.298, subsection 6, Code 2005, is
9 3 amended to read as follows:
9 4 6. Charge each loan recipient a loan origination fee and
9 5 an annual loan servicing fee. The amount of the loan
9 6 origination fees and the loan servicing fees established shall
9 7 be relative to the amount of a loan made from the revolving
9 8 loan fund. ~~The director shall deposit the receipts~~ Receipts
9 9 ~~from the loan origination fees and the loan servicing fees in~~
9 10 ~~the appropriate administration fund~~ shall be credited to the
9 11 general fund of the state.
9 12 Sec. 16. Section 455B.310, subsection 6, Code Supplement

9 13 2005, is amended to read as follows:
9 14 6. All tonnage fees received by the department under this
9 15 section shall be deposited in the ~~solid waste account of the~~
9 16 ~~groundwater protection fund created under section 455E.11~~
9 17 general fund of the state.
9 18 Sec. 17. Section 455B.392, subsection 5, Code 2005, is
9 19 amended to read as follows:
9 20 5. ~~Money~~ Moneys collected pursuant to this section shall
9 21 be deposited in the ~~hazardous waste remedial fund created in~~
9 22 ~~section 455B.423~~ general fund of the state. Moneys shall be
9 23 used to reimburse governmental subdivisions requested to
9 24 assist in the cleanup for which the moneys were collected.
9 25 The remainder of the moneys shall be used in the manner
9 26 permitted for the fund.
9 27 Sec. 18. Section 455B.423, subsection 1, Code 2005, is
9 28 amended to read as follows:
9 29 1. A hazardous substance remedial fund is created within
9 30 the state treasury. Moneys received from ~~fees, penalties,~~
9 31 general revenue, federal funds, gifts, bequests, donations, or
9 32 other moneys so designated shall be deposited in the general
9 33 fund of the state treasury to the credit of the fund. Any
9 34 unexpended balance in the remedial fund at the end of each
9 35 fiscal year shall be retained in the fund.
10 1 Sec. 19. Section 455B.424, subsection 8, Code 2005, is
10 2 amended to read as follows:
10 3 8. Moneys collected or received by the department pursuant
10 4 to this section shall be ~~transmitted to the treasurer of state~~
10 5 ~~for deposit in the hazardous waste remedial fund credited to~~
10 6 the general fund of the state.
10 7 Sec. 20. Section 455B.430, subsection 4, Code 2005, is
10 8 amended to read as follows:
10 9 4. If the director has reason to believe this section has
10 10 been violated, or is in imminent danger of being violated, the
10 11 director may institute a civil action in district court for
10 12 injunctive relief to prevent the violation and for the
10 13 assessment of a civil penalty not to exceed one thousand
10 14 dollars per day for each day of violation. Moneys collected
10 15 under this subsection shall be ~~deposited in the remedial fund~~
10 16 credited to the general fund of the state.
10 17 Sec. 21. Section 455B.473, subsection 5, Code 2005, is
10 18 amended to read as follows:
10 19 5. The notice of the owner or operator to the department
10 20 under subsections 1 through 3 shall be accompanied by a fee of
10 21 ten dollars for each tank included in the notice. All moneys
10 22 collected pursuant to this part shall be ~~deposited in the~~
10 23 ~~storage tank management account of the groundwater protection~~
10 24 ~~fund created in section 455E.11. All moneys collected~~
10 25 ~~pursuant to this section prior to July 1, 1987, which have not~~
10 26 ~~been expended, shall be deposited in the storage tank~~
10 27 ~~management account credited to the general fund of the state~~.
10 28 Sec. 22. Section 455B.477, subsection 7, Code 2005, is
10 29 amended to read as follows:
10 30 7. The civil penalties or other damages or moneys
10 31 recovered by the state or the petroleum underground storage
10 32 tank fund in connection with a petroleum underground storage
10 33 tank under this part of this division or chapter 455G shall be
10 34 credited to the ~~fund created in section 455G.3 and allocated~~
10 35 ~~between fund accounts according to the fund budget~~ general
11 1 fund of the state. Any federal moneys, including but not
11 2 limited to federal underground storage tank trust fund moneys,
11 3 received by the state or the department of natural resources
11 4 in connection with a release occurring on or after May 5,
11 5 1989, or received generally for underground storage tank
11 6 programs on or after May 5, 1989, shall be credited to the
11 7 fund created in section 455G.3 and allocated between fund
11 8 accounts according to the fund budget, unless such use would
11 9 be contrary to federal law. The department shall cooperate
11 10 with the board of the Iowa comprehensive petroleum underground
11 11 storage tank fund to maximize the state's eligibility for and
11 12 receipt of federal funds for underground storage tank related
11 13 purposes.
11 14 Sec. 23. Section 455B.479, Code 2005, is amended to read
11 15 as follows:
11 16 455B.479 STORAGE TANK MANAGEMENT FEE.
11 17 An owner or operator of an underground storage tank shall
11 18 pay an annual storage tank management fee of sixty-five
11 19 dollars per tank of over one thousand one hundred gallons
11 20 capacity. ~~Twenty-three percent of the fees collected shall be~~
11 21 ~~deposited in the storage tank management account of the~~
11 22 ~~groundwater protection fund. Seventy-seven percent of the~~
11 23 ~~fees collected shall be deposited in the Iowa comprehensive~~

~~11 24 petroleum underground storage tank fund created in chapter~~
~~11 25 455G. Moneys collected pursuant to this section shall be~~
~~11 26 credited to the general fund of the state.~~

11 27 Sec. 24. NEW SECTION. 455D.2A FEES.
11 28 Notwithstanding any provisions of this chapter to the
11 29 contrary, any fee collected by the department pursuant to this
11 30 chapter shall be credited to the general fund of the state.

11 31 Sec. 25. Section 455D.11B, Code 2005, is amended to read
11 32 as follows:
11 33 455D.11B PERMITTING OF WASTE TIRE COLLECTION OR PROCESSING
11 34 SITES == FEES.

11 35 An owner or operator of a waste tire collection or
12 1 processing site, including an enclosed site, shall obtain a
12 2 permit from the department prior to operation of the site.
12 3 The owner or operator shall pay an annual fee of eight hundred
12 4 fifty dollars to the department. The moneys collected by the
12 5 department shall be deposited in the ~~hazardous substance~~
~~12 6 remedial fund established pursuant to section 455B.423 and~~
~~12 7 shall be used for the purposes of administering the waste tire~~
~~12 8 collection or processing site permit program general fund of~~
~~12 9 the state.~~

12 10 Sec. 26. Section 455D.11I, subsection 8, Code 2005 is
12 11 amended to read as follows:

12 12 8. A person who knowingly and willfully violates a
12 13 provision of this section is subject to a civil penalty in an
12 14 amount not to exceed ten thousand dollars. Moneys collected
12 15 from the penalties imposed shall be deposited in the ~~waste~~
~~12 16 volume reduction and recycling fund established pursuant to~~
~~12 17 section 455D.15 general fund of the state.~~

12 18 Sec. 27. Section 455D.15, subsection 1, Code 2005, is
12 19 amended to read as follows:

12 20 1. A waste volume reduction and recycling fund is created
12 21 within the state treasury. Moneys received by the department
12 22 from ~~fees, including general revenue,~~ federal funds, awards,
12 23 wills, bequests, gifts, or other moneys designated shall be
12 24 deposited in the state treasury to the credit of the fund.
12 25 Notwithstanding section 8.33, any unexpended balance in the
12 26 fund at the end of each fiscal year shall be retained in the
12 27 fund. Any interest and earnings on investments from money in
12 28 the fund shall be credited to the fund, section 12C.7
12 29 notwithstanding.

12 30 Sec. 28. Section 455E.11, subsection 2, paragraph a,
12 31 unnumbered paragraph 1, Code Supplement 2005, is amended to
12 32 read as follows:

12 33 A solid waste account. Moneys received from ~~the tonnage~~
~~12 34 fee imposed under section 455B.310 and from~~ other sources
12 35 designated for environmental protection purposes in relation
13 1 to sanitary disposal projects shall be deposited in the solid
13 2 waste account. Moneys shall be allocated as follows:

13 3 Sec. 29. Section 455E.11, subsection 2, paragraph c,
13 4 unnumbered paragraph 1, Code Supplement 2005, is amended to
13 5 read as follows:

13 6 A household hazardous waste account. The ~~moneys collected~~
~~13 7 pursuant to section 455F.7 and~~ moneys collected pursuant to
13 8 section 29C.8A which are designated for deposit, shall be
13 9 deposited in the household hazardous waste account. Two
13 10 thousand dollars is appropriated annually to the Iowa
13 11 department of public health to carry out departmental duties
13 12 under section 135.11, subsections 21 and 22, and section
13 13 139A.21. The remainder of the account shall be used to fund
13 14 toxic cleanup days and the efforts of the department to
13 15 support a collection system for household hazardous materials,
13 16 including public education programs, training, and
13 17 consultation of local governments in the establishment and
13 18 operation of permanent collection systems, and the management
13 19 of collection sites, education programs, and other activities
13 20 pursuant to chapter 455F, including the administration of the
13 21 household hazardous materials permit program by the department
13 22 of revenue.

13 23 Sec. 30. Section 455E.11, subsection 2, paragraph d,
13 24 unnumbered paragraph 1, Code Supplement 2005, is amended to
13 25 read as follows:

13 26 A storage tank management account. ~~All fees collected~~
~~13 27 pursuant to section 455B.473, subsection 5, and section~~
~~13 28 455B.479, shall be deposited in the storage tank management~~
~~13 29 account, except those moneys deposited into the Iowa~~
~~13 30 comprehensive petroleum underground storage tank fund pursuant~~
~~13 31 to section 455B.479.~~ Funds shall be expended for the
13 32 following purposes:

13 33 Sec. 31. NEW SECTION. 455F.6A FEES.
13 34 Notwithstanding any provisions of this chapter to the

13 35 contrary, any fee collected by the department pursuant to this
14 1 chapter shall be credited to the general fund of the state.
14 2 Sec. 32. Section 455F.7, subsection 1, Code 2005, is
14 3 amended to read as follows:
14 4 1. A retailer offering for sale or selling a household
14 5 hazardous material shall have a valid permit for each place of
14 6 business owned or operated by the retailer for this activity.
14 7 All permits provided for in this division shall expire on June
14 8 30 of each year. Every retailer shall submit an annual
14 9 application by July 1 of each year and a fee of twenty-five
14 10 dollars to the department of revenue for a permit upon a form
14 11 prescribed by the director of revenue. Permits are
14 12 nonrefundable, are based upon an annual operating period, and
14 13 are not prorated. A person in violation of this section shall
14 14 be subject to permit revocation upon notice and hearing. ~~The~~
~~14 15 department shall remit the fees collected to the household~~
~~14 16 hazardous waste account of the groundwater protection fund.~~
~~14 17 Fees collected pursuant to this section shall be credited to~~
~~14 18 the general fund of the state.~~ A person distributing general
14 19 use pesticides labeled for agricultural or lawn and garden use
14 20 with gross annual pesticide sales of less than ten thousand
14 21 dollars is subject to the requirements and fee payment
14 22 prescribed by this section.
14 23 Sec. 33. Section 459.103, Code 2005, is amended by adding
14 24 the following new subsection:
14 25 NEW SUBSECTION. 4. Notwithstanding any provisions of this
14 26 chapter to the contrary, any fee collected by the department
14 27 pursuant to this chapter shall be credited to the general fund
14 28 of the state.
14 29 Sec. 34. Section 459.303, subsection 3, paragraph a, Code
14 30 2005, is amended to read as follows:
14 31 a. An indemnity fee as provided in section 459.502 ~~that~~
~~14 32 the department shall deposit into the manure storage indemnity~~
~~14 33 fund created in section 459.501 be credited to the general~~
~~14 34 fund of the state.~~
14 35 Sec. 35. Section 459.400, subsection 2, Code 2005, is
15 1 amended to read as follows:
15 2 2. Compliance fees collected by the department shall be
15 3 ~~deposited into the animal agriculture compliance fund created~~
~~15 4 in section 459.401 credited to the general fund of the state.~~
15 5 a. ~~Except as provided in paragraph "b", moneys collected~~
~~15 6 from all fees shall be deposited into the compliance fund's~~
~~15 7 general account.~~
15 8 b. ~~Moneys collected from the annual compliance fee shall~~
~~15 9 be deposited into the compliance fund's assessment account.~~
~~15 10 Moneys collected from commercial manure service license fees~~
~~15 11 and educational program fees shall be deposited into the~~
~~15 12 compliance fund's educational program account.~~
15 13 Sec. 36. Section 459.401, subsection 2, Code Supplement
15 14 2005, is amended to read as follows:
15 15 2. The compliance fund is composed of three accounts, the
15 16 general account, the assessment account, and the educational
15 17 program account.
15 18 a. The general account is composed of moneys appropriated
15 19 by the general assembly and moneys available to and obtained
15 20 or accepted by the department from the United States
15 21 government or private sources for placement in the compliance
15 22 fund. Unless otherwise specifically provided in statute,
15 23 moneys required to be deposited in the compliance fund shall
15 24 be deposited into the general account. ~~The general account~~
~~15 25 shall include moneys deposited into the account from all of~~
~~15 26 the following:~~
15 27 (1) ~~The construction permit application fee required~~
~~15 28 pursuant to section 459.303.~~
15 29 (2) ~~The manure management plan filing fee required~~
~~15 30 pursuant to section 459.312.~~
15 31 (3) ~~Educational program fees required to be paid by~~
~~15 32 commercial manure service representatives or confinement site~~
~~15 33 manure applicators pursuant to section 459.400.~~
15 34 (4) ~~A commercial manure service license fee as provided in~~
~~15 35 section 459.400.~~
16 1 (5) ~~The collection of civil penalties assessed by the~~
~~16 2 department and interest on civil penalties, arising out of~~
~~16 3 violations involving animal feeding operations as provided in~~
~~16 4 sections 459.602, 459.603, and 459A.502.~~
16 5 b. ~~The assessment account is composed of moneys collected~~
~~16 6 from the annual compliance fee required pursuant to section~~
~~16 7 459.400 appropriated by the general assembly and moneys~~
~~16 8 available to and obtained or accepted by the department from~~
~~16 9 the United States government or private sources for placement~~
~~16 10 in the assessment account.~~

16 11 c. The educational program account is composed of moneys
16 12 ~~collected from the commercial manure service license fee and~~
16 13 ~~the educational program fee required pursuant to section~~
16 14 ~~459.400 appropriated by the general assembly and moneys~~
16 15 ~~available to and obtained or accepted by the department from~~
16 16 ~~the United States government or private sources for placement~~
16 17 ~~in the educational program account.~~

16 18 Sec. 37. Section 459.501, subsection 2, Code 2005, is
16 19 amended to read as follows:

16 20 2. The fund consists of ~~moneys from indemnity fees~~
16 21 ~~remitted by permittees to the department as provided in~~
16 22 ~~section 459.502; moneys from indemnity fees remitted by~~
16 23 ~~persons required to submit manure management plans to the~~
16 24 ~~department pursuant to section 459.503; sums collected on~~
16 25 ~~behalf of the fund by the department through legal action or~~
16 26 ~~settlement; moneys required to be repaid to the department by~~
16 27 ~~a county pursuant to this subchapter; interest, property, and~~
16 28 ~~securities acquired through the use of moneys in the fund; or~~
16 29 ~~moneys contributed to the fund from other sources.~~

16 30 Sec. 38. Section 459.502, unnumbered paragraph 2, Code
16 31 2005, is amended to read as follows:

16 32 The department shall deposit moneys collected from the fees
16 33 ~~into the fund according to procedures adopted by the~~
16 34 ~~department general fund of the state.~~

16 35 Sec. 39. Section 459.604, subsection 2, Code 2005, is
17 1 amended to read as follows:

17 2 2. Moneys assessed and collected in civil penalties and
17 3 interest earned on civil penalties, arising out of a violation
17 4 involving an animal feeding operation, shall be deposited in
17 5 ~~the animal agriculture compliance fund as created in section~~
17 6 ~~459.401 general fund of the state.~~

17 7 EXPLANATION

17 8 This bill relates to the collection and deposit in the
17 9 general fund of the state of certain fees and civil penalties
17 10 collected by the department of natural resources.

17 11 The bill provides that, notwithstanding any provision to
17 12 the contrary, any fee collected by the department of natural
17 13 resources pursuant to the provisions in Code chapters 455B,
17 14 455D, 455F, and 459 shall be deposited in the general fund of
17 15 the state. The bill provides that civil penalties assessed by
17 16 the department and interest on the penalties shall be
17 17 deposited in the general fund of the state.

17 18 The bill makes conforming amendments.

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17 20 tm:rj/gg/14